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09/607,839	06/30/2000	Michael A. Cleron	14531.70	2344

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EXAMINER

DENNISON, JERRY B

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 10/06/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/607,839

Applicant(s)

CLERON ET AL.

Examiner

Jerry B Dennison

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

Priority

1. An application in which the benefits of an earlier application are desired must contain a specific reference to the prior application(s) in the first sentence of the specification of in an application data sheet (37 CFR 1.78(a)(2) and (a)(5)). The specific reference to any prior nonprovisional application must include the relationship (i.e., continuation, divisional, or continuation-in-part) between the applications except when the reference is to a prior application of a CPA assigned the same application number.
2. Please include the patent application serial number on pages 14 and 15 of the specification.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 1 and 4-8 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Cottrille et al. (hereinafter "Cottrille," "6,581,096").
5. Regarding claim 1, Cottrille discloses in a server included in a network that also includes a client associated with specified attributes, a method of using a decision

engine (server) to create a document for use by the client, the document being customized according to the specified attributes associated with the client, the method comprising the acts of:

processing code associated with a script at the server, including code that, when executed, requests the decision engine to select content for the document based on at least one attribute of the client (col. 5, line 65 through col.6 line 12, Cottrille teaches of a community server that dynamically assembles community elements into an HTML document when a request from a client in that community is received.);

receiving from the decision engine an identification of the content that has been selected by the decision engine(col. 5 lines 31-37, Cottrille teaches of a server which allows a user access to community elements based on the user's identity.);

creating the document and incorporating into the document the content that has been selected by the decision engine(col. 5, line 65 through col.6 line 12, Cottrille teaches of a community server that dynamically creates an HTML page containing requested content when a request from a client is received.); and

transmitting the document to the client (col. 6 lines 5-19, Cottrille teaches of a community server which returns the assembled elements to the client in the form of a web page.)

6. Regarding claim 4, Cottrille discloses of a server wherein:

the act of processing code associated with the script is performed by a server application operating at the server (col. 5, line 65 through col.6 line 12, Cottrille teaches

of a community server that dynamically assembles community elements into an HTML document at runtime.); and

requesting the decision engine to select content for the document based on attributes of the client is conducted without the server application communicating to the decision engine a value of said at least one attribute of the client (col. 6 lines 8-12, Cottrille teaches a server (decision engine) to create a community web page containing the client's community elements based on the client's user id.).

7. Regarding claim 5, Cottrille teaches wherein requesting the decision engine to select content for the document based on attributes of the client is further conducted without the server application communicating to the decision engine criteria by which the decision engine is to select the content (col. 6 lines 8-12, Cottrille teaches of a server which runs code that dynamically creates a web page containing the client's community elements supplied by the server.).

8. Regarding claim 6, Cottrille teaches the method wherein the document is a web page (col. 6, lines 14-18, Cottrille teaches of a community server which dynamically creates a web page containing community elements.)

9. Regarding claim 7, Cottrille discloses wherein the content comprises at least one of text and an image that are determined to be appropriate for the client (col. 2, lines 5-

6, Cottrille teaches of community elements that include non-real time based messaging which is a form of text.).

10. Regarding claim 8, Cottrille teaches wherein the content comprises formatting that is determined to be appropriate for the client (col. 2, lines 9-15, Cottrille teaches of community management functions enabling users to format their community elements appropriately).

11. Claim 9-15 and 27-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Hinrichs et al. (hereinafter "Hinrichs," "6,026,431").

12. Regarding claim 9 Hinrichs discloses in a server included in a network that also includes a client associated with specified attributes, a method of creating a document for use by the client, the document being customized according to the specified attributes associated with the client, the method comprising the acts of:

assembling a script that includes instructions for creating the document (col. 1, line 65 through col. 2, line 17, Hinrichs teaches of a server running a file processing program with instructions to either display displayable code to the client or to execute FPP executable code to make it displayable then display it to the client.) , including the acts of:

upon processing a first statement encoded in the script, issuing to a decision engine a request for the decision engine to select a second portion of the script based

on at least one of the specified attributes without the script identifying said at least one specified attribute (col.1 line 65 through col. 2 line 17, Hinrichs teaches of a file processing program which reads file code segments and displays code to the client and secondly, the file processing program executes code in response to the client's specified parameter request.); and receiving from the decision engine the requested second portion of the script and concatenating the first portion of the script and the second portion of the script (col. 2 lines1-17, Hinrichs teaches that the additional code processed from the file processing program is displayed along with the first displayable code.); and executing the first portion of the script and the second portion of the script so as to create the document (col. 2, lines 1-17, Hinrichs teaches a processing program which sends displayable code, created by the procedures mentioned above, back to the client, creating the document.).

13. Regarding claim 10, Hinrichs discloses wherein the act of executing the first portion of the script and the second portion of the script so as to create the document further comprises the act of continuing to receive nested portions of script from the decision engine, including:

upon processing the second portion of the script, issuing to the decision engine a request for the decision engine to select a third portion of the script based on at least one of the specified attributes without the script identifying said at least one specified attribute (col. 2 lines1-17, Hinrichs teaches that the additional code from the server is processed by the file processing program is executed based on the client's specific

parameter information.); and receiving from the decision engine the requested third portion of the script and concatenating the third portion of the script and the second portion of the script and the first portion of the script (col. 2, lines 1-17, Hinrichs teaches of a processing program which sends displayable code, created by the procedures mentioned above, back to the client, creating the document.).

14. Regarding claim 11, Hinrichs discloses wherein the act of processing the first portion of the script and the second portion of the script comprises the act of receiving content selected by the decision engine to be appropriate for the client based on the at least one attribute of the client (col. 2, lines 1-17, Hinrichs teaches of a processing program which sends displayable code, including client-displayable segments and file processing executable code, both based from the initial client parameter specific information.).

15. Regarding claim 12, Hinrichs discloses further comprising the act of receiving a request from the client for the document (col. 1, line 66 through col. 2, line 2, Hinrichs teaches of a server receiving from a client a parameter specific information request).

16. Regarding claim 13, Hinrichs discloses further comprising the act of transmitting the created document to the client (col. 2, lines 16-17, Hinrichs teaches of client-displayable code sent to the client based on the client's parameter specific information).

17. Regarding claim 14, Hinrichs discloses further comprising the act of the decision engine selecting the second portion of the script, including:

identifying, independently of a server application that executes the script, decision criteria that are to be used by the decision engine to select the second portion (col. 2 lines 5-12, Hinrichs teaches of a server running a file processing program which identifies whether the code to display to the client is displayable code or if it is an FPP-executable code segment); and

identifying, independently of the server application; the at least one attribute of the client that is to be used by the decision engine to select the second portion (col. 2 lines 10-15, Hinrichs teaches of a file processing program which executes FPP-executable code based on the client's parameter specific information).

18. Regarding claim 15, Hinrichs discloses wherein the act of the decision engine selecting the second portion of the script further includes applying the decision criteria to the at least one attribute to select said second portion of script from among a plurality of portions of script (col. 2, lines 1-17, Hinrichs teaches of a file processing program that, depending on the clients initial parameter specific information request, the program decides whether to display client-displayable code, or if it has to execute FPP executable code).

19. Regarding claim 27, Hinrichs discloses a computer program product for implementing, in a server included in a network that also includes a client associated with specified attributes, a method of creating a document for use by the client, the document being customized according to the specified attributes associated with the client, the computer program product comprising:

a computer-readable medium carrying computer-executable instructions for performing the method (col. 1, line 65 through col. 2, line 17, Hinrichs teaches of a server with instructions to make code displayable to the client.), the method comprising the acts of:

assembling a script that includes instructions for creating the document (col. 1, line 65 through col. 2, line 17, Hinrichs teaches of a server running a file processing program with instructions to either display displayable code to the client or to execute FPP executable code to make it displayable then display it to the client.), including the acts of:

upon processing code included in a first portion of the script, to issuing to a decision engine a request for the decision engine to select a second portion of the script based on at least one of the specified attributes without the script identifying said at least one specified attribute (col.1 line 65 through col. 2 line 17, Hinrichs teaches of a file processing program which reads file code segments and displays code to the client or the file processing program executes code in response to the client's specified parameter request.); and receiving from the decision engine the requested second portion of the script and concatenating the first portion of the script and the second

portion of the script(col. 2 lines1-17, Hinrichs teaches that the additional code processed from the file processing program is displayed along with the first displayable code.); and executing the first portion of the script and the second portion of the script so as to create the document(col. 2, lines 1-17, Hinrichs teaches a processing program which sends displayable code, created by the procedures mentioned above, back to the client, creating the document.).

20. Regarding claim 28, Hinrichs discloses wherein the act of assembling the script further comprises the act of continuing to receive nested portions of script from the decision engine, including:

upon processing code included in the second portion of the script, issuing to the decision engine a request for the decision engine to select a third portion of the script based on at least one of the specified attributes without the script identifying said at least one specified attribute (col. 2 lines1-17, Hinrichs teaches that the additional code from the server is processed by the file processing program is executed based on the client's specific parameter information.);

and receiving from the decision engine the requested third portion of the script and concatenating the third portion of the script and the second portion of the script and the first portion of the script (col. 2, lines 1-17, Hinrichs teaches of a processing program which sends displayable code, created by the procedures mentioned above, back to the client, creating the document.).

Regarding claim 29, Hinrichs discloses wherein the act of receiving from the decision engine the requested second portion of the script comprises the act of receiving content selected by the decision engine to be appropriate for the client based on the at least one attribute of the client (col. 2, lines 1-17, Hinrichs teaches of a processing program which sends displayable code, including client-displayable segments and file processing executable code, both based from the initial client parameter specific information.).

21. Regarding claim 30, Hinrichs discloses wherein the method further comprises the act of receiving a request from the client for the document (col. 1, line 66 through col. 2, line 2, Hinrichs teaches of a server receiving from a client a parameter specific information request).

Regarding claim 31, Hinrichs discloses wherein the method further comprises the act of transmitting the created document to the client (col. 2, lines 16-17, Hinrichs teaches of client-displayable code sent to the client based on the client's parameter specific information).

Regarding claim 32, Hinrichs discloses wherein the method further comprises the act of the decision engine selecting the second portion of the script, including:

identifying, independently of a server application that executes the script, decision criteria that are to be used by the decision engine to select the second portion

(col. 2 lines 5-12, Hinrichs teaches of a server running a file processing program which identifies whether the code to display to the client is displayable code or if it is an FPP-executable code segment); and

identifying, independently of the server application, the at least one attribute of the client that is to be used by the decision engine to select the second portion. (col. 2 lines 10-15, Hinrichs teaches of a file processing program which executes FPP-executable code based on the client's parameter specific information).

22. Regarding claim 33, Hinrichs discloses wherein the act of the decision engine selecting the second portion of the script further includes applying the decision criteria to the at least one attribute to select said second portion of script from among a plurality of portions of script script (col. 2, lines 1-17, Hinrichs teaches of a file processing program that, depending on the clients initial parameter specific information request, the program decides whether to display client-displayable code, or if it has to execute FPP executable code).

23. Claims 16-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Kikinis.

24. Regarding claim 16, Kikinis discloses a server included in a network that also includes a client associated with specified attributes, a method of changing a process whereby documents are customized for clients based on specified attributes of the

clients without altering a script that is used by the client to create the documents, comprising the acts of:

storing a script at the server that, when processed, requests a decision engine to select content for a document for a client based on at least one attribute of the client (paragraph 0016, lines 1-5 and paragraph 0017, lines 7-8, Kikinis teaches a WEB browsing system containing a Mark-Script which is executed on the server based on characteristics of the client device.);

storing a content directory at the server (Fig.4, Kikinis teaches of a proxy server that holds the files from the selected web server.) that includes:

information specifying decision criteria that are used by the decision engine when selecting content (Fig.4, Kikinis shows a proxy server that stores files from a web server); and content files that include content that can be selected by the decision engine based on the decision criteria and the at least one attribute of the client(Fig.4, Kikinis shows a proxy server that stores files from a web page, chosen by the client); and in response to a decision to modify documents that are to be made available to clients, altering at least one of the information specifying decision criteria and the content files without altering the script (paragraph 0079, Kikinis teaches that the Proxy-Server converts the files to the requested format by the client).

25. Regarding claim 17, Kikinis discloses further comprising:

prior to the act of altering, executing the script at the server and generating a first document for a particular client (paragraph 0017, lines 7-8, Kikinis teaches of a Mark-Script being executed to generate a list of web pages); and

after the act of altering, executing the script at the server and generating a different, second document for the particular client (paragraph 0018 lines 8-13, Kikinis teaches that the web page may be further altered to reduce content before transmission to the client.).

26. Regarding claim 18, Kikinis discloses wherein the act of altering at least one of the information specifying decision criteria and the content files comprises the act of altering the information specifying decision criteria (paragraph 0018 lines 8-13, Kikinis teaches that the web page may be further altered to reduce content before transmission to the client.).

Regarding claim 19, Kikinis discloses wherein the act of altering at least one of the information specifying decision criteria and the content files comprises the act of altering the content files (paragraph 0079, Kikinis teaches that the Proxy-Server converts the files to the requested format by the client).

27. Regarding claim 20, Kikinis discloses further comprising the acts of prior to the act of altering, executing the script at the server and generating a first document for a first client having a first set of attributes (paragraph 0013, lines 3-13 Kikinis teaches of a

server creating a web page based on a client's device, being different for every client); and prior to the act of altering, executing the script at the server and generating a different, second document for a second client having a different, second set of attributes (paragraph 0013, lines 3-13 Kikinis teaches of a server creating a web page based on a client's device, being different for every client);.

28. Regarding claim 21, Kikinis discloses further comprising the act of maintaining one or more attribute providers from which the decision engine can request values of the at least one attribute of the client (paragraph 0013, lines 4-6, Kikinis teaches of transmitting data comprising of creating a listing of parameters derived from one or more of the characteristics of the client device, characteristics of a WEB page, and preferences of the customer).

29. Regarding claim 22, Kikinis discloses in a server included in a network that also includes a client associated with specified attributes, using a decision engine to create a document for use by the client, the document being customized according to the specified attributes associated with the client, the method comprising the acts of:

processing a resolve statement in a script that requests the decision engine to select a content file that has content determined to be appropriate for the client based on one or more of the specified attributes associated with the client (paragraph 0013 lines 4-6, Kikinis teaches of transmitting data comprising of creating a listing of

parameters derived from one or more of the characteristics of the client device, characteristics of a WEB page, and preferences of the customer);

processing a call statement in the script that requests the decision engine to select particular content from the selected content file (paragraph 0018 lines 8-13, Kikinis teaches that the Mark Script listing of websites may be further reduced); incorporating the code representing the particular content selected by the decision engine into the script (paragraph 0018 lines 8-13, Kikinis teaches that the Mark Script listing of websites may be further reduced); and executing the script that has the code incorporated therein, resulting in creation of a document that includes the particular content (paragraph 0018 lines 13-23, Kikinis teaches transmitting the stored pages from the Mark-Script to the client device).

30. Regarding claim 23, Kikinis discloses wherein the act of incorporating the code representing the particular content selected by the decision engine comprises the acts of receiving a supplemental portion of script from the decision engine (paragraph 0016, lines 1-5 and paragraph 0017, lines 7-8, Kikinis teaches of a server executing a Mark-Script which lists a sequence of web pages to be accessed for the client); concatenating the script and the supplemental portion of script (paragraph 0016, Kikinis teaches of a Mark-Script comprising a list of web pages transmitted to the client and paragraph 0020, Kikinis teaches of a template adapted for converting data requested by the WEB server to an HTML document); processing a supplemental call statement included in the supplemental portion of script that requests the decision engine to further select the

particular content (paragraph 0018 lines 8-13, Kikinis teaches of reducing content of the web pages created from the Mark-Script); and receiving code representing the particular content from the decision engine (paragraph 0018, Kikinis teaches of the listing of websites created from the Mark-Script transmitted to the client.).

31. Regarding claim 24, Kikinis discloses wherein the act of executing the script results in creation of an HTML document that includes the particular content (paragraph 0020 line 4-10, Kikinis teaches of HTML pages being transmitted to the client).

32. Regarding claim 25, Kikinis discloses wherein the act of processing the resolve statement is conducted such that the decision engine selects the content file that has content determined to be appropriate from among a plurality of available content files (Figure 4 and paragraph 0013 lines 3-11, Kikinis teaches of a web system containing a proxy server that selects specific files from a web server, and then selecting from those files to modify/use and transmit to the client device.).

33. Regarding claim 26, Kikinis discloses wherein the act of processing a call statement in the script is conducted such that the decision engine selects the particular content from the selected content file (paragraph 0018 lines 5-10, Kikinis teaches of further reducing the content of the web pages transmitted to the client device.), wherein others of the plurality of available content files have different versions of the particular content.

Claim Rejections - 35 USC § 103

34. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

35. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cottrille in view of Kikinis et al. (hereinafter "Kikinis," "2002/0049833").

36. Cottrille shows all the features of the invention regarding claim 2 except wherein the act of receiving the identification of the content comprises the act of receiving additional script that, when executed, results in the content being incorporated into the document.

Kikinis discloses a WEB browsing system accessed by a client device, initializing execution of a Mark-Script associated with the client device, (paragraph 0017, lines 7-9 and paragraph 0018, lines 3-6).

Cottrille and Kikinis are analogous art because they are from the same field of endeavor, interactive data transactions over an Internet server.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Kikinis with Cottrille to minimize community data to be transmitted to a user when requested (Kikinis paragraph 0013, lines 1-4).

Therefore, it would have been obvious to combine Kikinis with Cottrille for the benefit of conserving time for the server to transmit the data to the client device.

37. Cottrille shows all the features of the invention regarding claim 3 except further comprising the act of assembling the script at runtime by concatenating said portion of script and said additional script.

Kikinis discloses a WEB browsing system that translates data from Internet sources into a reduced-content form adapted specifically to the client device (paragraph 0014, lines 1-6) and combining the data with a list of web pages produced by a Mark-Script executed on the server at runtime (paragraph 0016, lines 1-5).

Cottrille and Kikinis are analogous art because they are from the same field of endeavor, interactive data transactions over an Internet server.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Kikinis with Cottrille to minimize community data to be transmitted to a user when requested (Kikinis paragraph 0013, lines 1-4).

Therefore, it would have been obvious to combine Kikinis with Cottrille for the benefit of conserving time for the server to transmit the data to the client device.

Conclusion

38. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U. S. Pat. No. 6,327,608 to Dillingham, Lara N.

U. S. Pat. No. 5,928,323 to Gosling et al.

U. S. Pat. No. 6,356,863 to Sayle, Roger Anthony

U. S. Pat. No. 6,076,108 to Courts et al.

U. S. Pat. No. 6,081,837 to Stedman et al.

U. S. Pat. No. 6,560,639 to Dan et al.

U. S. Pat. No. 6,131,116 to Riggins et al.


U. S. Pat. No. 6,594,697 to Praitis et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerry B Dennison whose telephone number is (703)305-8756. The examiner can normally be reached on M-F 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (703)308-5221. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

JBD


DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100